

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Rural Call Completion

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WC Docket No. 13-39

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) agrees with the Commission’s proposal to eliminate the flawed and burdensome rural call completion reporting and recordkeeping requirements, and urges the Commission to facilitate industry collaboration in addressing call completion issues. Specifically, the Commission should publish a list of contacts at each provider company so that call termination issues may be addressed by providers as soon as they are identified. The Commission also should require all providers, including rural providers, to make available test lines so that originating providers may check the reliability of call routes and to aid in the real-time identification and resolution of call termination problems.

INTRODUCTION

It is important for consumers in all areas of the country to be able to make and receive phone calls. The Commission has determined that some calls to rural areas are not being properly completed.¹ This is not an issue limited to customers of incumbent local exchange carriers (LECs) – competitive providers, including NCTA member companies, equally have an interest in ensuring that their customers’ calls are completing properly. In addition to the public

¹ *Rural Call Completion*, WC Docket No. 13-39, Second Further Notice of Proposed Rulemaking, FCC 17-92, ¶2 (July 14, 2017) (*Second FNPRM*).

interest issues noted by the Commission (loss of business for the customer; inability to reach family members; potentially dangerous delays in reaching public safety sources),² call completion failures cause frustration for the customers of the terminating provider, even though the problem may not be within that provider's control. On the other end of the call, originating providers have every incentive to make sure that their customers are able to complete the calls that they make to rural areas. Rather than focusing on after-the-fact enforcement, providers want to identify the problem as quickly as possible and ensure that it does not recur.

In response to rural call completion issues, in 2013 the Commission adopted rules requiring originating providers of long-distance calls to keep and maintain records of their call attempts and report this information to the Commission.³ The Commission now correctly proposes to eliminate these unhelpful recordkeeping and reporting requirements. In their place, the Commission should take steps to encourage and promote providers' ability to work collaboratively to detect and correct call path problems. Specifically, the Commission should require all providers to set up test lines so that originating and intermediate providers can ascertain whether there are issues with particular call paths, and the Commission should establish a provider point-of-contact database listing the person or persons to contact at each company to address call completion issues.

I. THE COMMISSION SHOULD ELIMINATE REPORTING REQUIREMENTS AND INSTEAD TAKE STEPS TO FACILITATE PROVIDER-TO-PROVIDER SOLUTIONS

Although the Commission has been investigating rural call completion issues for many years now, it has yet to discover a simple solution to the problem. That is because the routing of

² *Id.*

³ *Rural Call Completion*, WC Docket 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 16164, ¶19 (2013) (*2013 Rural Call Completion Order*).

phone calls is a complicated process, often involving different entities with many different reasons that calls fail to complete. The Commission recognizes that there are “multiple factors that cause rural call completion problems,”⁴ making it difficult, if not impossible, to eliminate the issue through regulation.

Given these difficulties, the Commission should adopt its proposal to eliminate the rural call completion reporting obligations. As many commenters told the Commission at the time the rules were being considered, the data collected and reported pursuant to the rules does not provide the Commission with an accurate picture of rural call completion issues and unnecessarily burdens providers without helping to resolve any completion problems.⁵ The Commission repeatedly has stated that rural call completion issues are largely attributable to intermediate providers in the call path,⁶ yet the recordkeeping and reporting requirements apply only to originating providers. The existing rules attempted to divine call termination information through the proxy of the originating providers. As the Bureau and the Commission now recognize, this system was not able to adequately quantify or resolve rural call completion issues and therefore it should be eliminated.⁷

Instead, the Commission should focus on enabling, encouraging, and facilitating provider-to-provider solutions to address call termination issues as they occur. Such an approach

⁴ *Second FNPRM*, FCC 17-92 at ¶2.

⁵ *See, e.g.*, Comments of Comcast, WC Docket No. 13-39, 7-10 (May 13, 2013) (Comcast May 2013 Comments); Comments of Frontier, WC Docket No. 13-39, 5-6 (May 13, 2013); Comments of Sprint, WC Docket No. 13-39, 20-21 (May 13, 2013); Comments of Time Warner Cable, WC Docket No. 13-39, 9-10 (May 13, 2013); Reply Comments of NCTA, WC Docket No. 13-39, 3-5 (June 11, 2013).

⁶ *Second FNPRM*, FCC 17-92 at ¶10; *2013 Rural Call Completion Order*, 28 FCC Rcd at 16189, ¶79; *Rural Call Completion*, WC Docket No. 13-39, Notice of Proposed Rulemaking, 28 FCC Rcd 1569, ¶1 (2013).

⁷ *Second FNPRM*, FCC 17-92 at ¶¶7 and 12; *Rural Call Completion*, WC Docket No. 13-39, Report, 32 FCC Rcd 4980, 4981, ¶¶2-3 (Wireline Comp. Bur. 2017) (*Wireline Bureau Report*).

will be more helpful to consumers than after-the-fact data reporting and enforcement investigations.⁸ In particular, as discussed in the *Second FNPRM*, the Commission should establish a database where providers must list the appropriate point of contact for any call termination issues.⁹ This information would enable providers to begin troubleshooting call termination issues directly as soon as possible. When a terminating provider becomes aware that a customer has not received a call, that provider would be able to access the database and contact a knowledgeable person at the originating provider to begin identifying the problem, and vice versa. The database should also identify appropriate points of contact from within the Commission in the event that a provider is unable to receive timely cooperation from another provider in the call path. Consumers would best be served if the Commission assisted in facilitating the timely resolution of call termination issues as they happen, rather than focusing on punitive after-the-fact enforcement actions.

The Commission also should adopt Comcast's proposal to require that rural incumbent LECs make permanent test lines available so that originating and intermediate providers can work with such terminating providers to identify and resolve any issues in the call path.¹⁰ This requirement would have a direct and positive effect on providers' ability to significantly reduce rural call completion issues before they arise and to quickly resolve rural call completion issues that may occur.

⁸ See *Wireline Bureau Report*, 32 FCC Rcd at 4996, ¶40 (“[E]ven if the Commission were able to modify its rules to improve data quality, the modifications would, at most, enable the Commission to reliably identify areas with potential rural call completion problems weeks or months after those problems occur.”).

⁹ *Second FNPRM*, FCC 17-92 at ¶19.

¹⁰ *Id.* at ¶34; Comcast May 2013 Comments at 13-14; Comments of Comcast, WC Docket No. 13-39, 4-5 (Jan. 16, 2014).

In contrast, some of the proposals identified in the *Second FNPRM* would impose burdens on providers without any guarantee that they will improve the ability of rural consumers to receive calls. For example, limiting the number of intermediate providers in a call path would require some providers to incur the costs of modifying their routing arrangements, but if the eliminated intermediate provider or providers were not the source of the termination issues, no benefit would be achieved. And if the single remaining intermediate provider is the source of termination problems, particularly if it is the only provider serving a rural area, the requirement will not have helped consumers.

For similar reasons, the Commission should not adopt specific metrics or thresholds applicable to covered providers, or require providers to adopt best practices based on the ATIS Handbook.¹¹ Such requirements may not be consistent with contractual relationships that providers have entered into with other providers, and, without identifying the underlying problem that is causing a particular call termination issue, requiring the adoption of general “best practices” may have little or no effect on calls terminating in rural areas. It would also impinge on the technical flexibility that providers have to make routing decisions today. Instead of imposing costly broad-based requirements to address discrete and individual call termination issues, the Commission should actively encourage providers, including rural incumbent LECs, to work together to address and resolve them as they arise.

II. ANY MONITORING REQUIREMENT SHOULD BE NARROWLY TAILORED

As discussed above, provider-to-provider solutions are the best, and fastest, way for consumers to obtain relief from call termination issues, and the Commission is correct to

¹¹ Providers may have their own internal guidelines that better accommodate their specific business arrangements. As a result, ATIS guidelines may not be the appropriate benchmark in all instances.

eliminate the covered provider reporting and recordkeeping requirements that were not helpful in addressing the issue. If the Commission chooses to adopt a rule similar to the one proposed in Appendix A of the *Second FNPRM*,¹² the Commission should make clear that covered providers are responsible only for monitoring the performance of any intermediate provider with which they have a direct contractual relationship. Originating providers generally have no way to know, much less monitor, any providers in the chain other than the one with which they have an agreement. Furthermore, so long as a covered provider complies with the monitoring requirement and takes appropriate action to hold its contracted intermediate providers accountable for poor performance, the covered provider should be immune from Commission enforcement action. If any such action is necessary, the Commission should impose liability on the responsible intermediate provider, rather than indirectly imposing liability through the originating provider.

In addition, the Commission should not require providers to identify “call attempts to rural incumbent LECs,” as is currently proposed in draft rule section 64.2103.¹³ There is no reliable method for covered providers to identify calls to rural incumbent LECs, other than by using the list of rural operating company numbers (OCNs) currently generated by NECA. Therefore, the Commission should strike the reference to “rural incumbent LECs” in the proposed rule and instead use the term “call attempts to rural OCNs,” as it does in the current rural call completion rules. The Commission also should retain the definitions of OCNs and rural OCNs in section 64.2101 of the rules,¹⁴ and should continue to require NECA to annually

¹² *Second FNPRM*, FCC 17-92 at App. A (§64.2103).

¹³ *Id.*

¹⁴ 47 C.F.R. §64.2101.

update the list of rural and non-rural OCNs so that providers are able to identify and monitor call attempts and completions in rural areas.

CONCLUSION

NCTA urges the Commission to eliminate the existing call termination reporting and recordkeeping rules that do not assist in identifying or resolving call termination issues. Instead, the Commission should facilitate provider-to-provider resolution of such issues by establishing a database with contact information for all providers and requiring providers to establish test lines.

Respectfully submitted,

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